

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 23-cv-12675-RGS

ERIC J. DUARTE

v.

N.C.S.O.; PATRICK W. MCDERMOTT; SUPERINTENDENT DANIELLE
FRANE; ANNE COLLINS, MENTAL HEALTH DIRECTOR; DEPUTY TARA
FLYNN; and MEDICAL DOCTOR P.A. PICKETT

ORDER

January 10, 2024

STEARNS, D.J.

The above-referenced matter was filed on November 6, 2023. On December 13, 2023, the court issued a memorandum and order denying Plaintiff's Application to Proceed in District Court without Prepayment of Fees ("Application") without prejudice to renewing with a copy of his prison account statement. Because the instant action is one of four actions filed by Plaintiff on November 6, 2023, the memorandum and order stated that Plaintiff should consider the possibility that his ability to proceed without prepayment of the filing fee could be restricted pursuant to 28 U.S.C. § 1915(g). The memorandum and order further states that failure to comply with this order will result in dismissal of this action without prejudice.

The court's records indicate that plaintiff has not filed a renewed Application with a copy of his prison account statement and the time to do so has expired. The fact that plaintiff has not done so suggests that he may have decided not to press his claim and incur the filing fee payment obligation. Notwithstanding, he has failed to comply with the court's Order. Accordingly, this action is dismissed without prejudice.

SO ORDERED.

Richard G. Stearns
UNITED STATES DISTRICT JUDGE